

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DIMON D. JOHNSON,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:22-cv-147
)	
THE DISTRICT ATTORNEY OF ERIE COUNTY, <i>et al.</i>,)	
)	
Respondents.)	

MEMORANDUM ORDER

On May 12, 2022, Petitioner Dimon D. Johnson (“Johnson”) commenced this civil action in which he seeks a writ of habeas corpus pursuant to 28 U.S.C. §2254. ECF Nos. 1, 4. Johnson predicates his petition on a challenge to the recalculation of his maximum sentence, which the Pennsylvania Board of Probation and Parole undertook following Johnson’s arrest while on parole.

Respondents filed a response to the petition on December 6, 2022. *See* ECF No. 11. The matter has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for a report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

On March 3, 2025, Judge Lanzillo issued an R&R recommending that the instant petition be denied and that a certificate of appealability also be denied. ECF No. [14]. Judge Lanzillo determined that the lone claim raised in Johnson’s petition had not been properly exhausted and was both procedurally defaulted and legally frivolous.

Objections to the Report and Recommendation were due to be filed no later than March 20, 2025. To date, no objections have been received.

After *de novo* review of the petition and documents in the case, along with the Chief Magistrate Judge's Report and Recommendation, the following order is entered:

AND NOW, this 15th day of April, 2025, IT IS ORDERED that the within petition for a writ of habeas corpus shall be, and hereby is, DENIED with prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, issued on March 3, 2025, ECF No. [14], is adopted as the opinion of this Court.

Because jurists of reason would not find it debatable that Johnson failed to properly exhaust his petition and also failed to make a substantial showing of the denial of a federal constitutional right, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge